

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION  
In Admiralty**

**TROY D. DWYER, derivatively on  
Behalf of Quinby Allie, LLC and  
Bella Sky, LLC,**

**and**

**Civil No: 4:21-cv-37**

**TROY D. DWYER, individually,**

**Plaintiffs,**

**v.**

**L.D. AMORY AND COMPANY, INCORPORATED, et. al.**

**PLAINTIFFS' MOTION FOR LEAVE TO AMEND COMPLAINT**

Plaintiffs, Troy D. Dwyer, both individually and derivatively on behalf of Quinby Allie, LLC and Bella Sky, LLC, move this Honorable Court to Amend their Complaint against all Defendants.

Since the Plaintiffs filed their Complaint on April 16, 2021, much has transpired to warrant the Plaintiffs' requested amendment. The Defendants' actions in notifying Truist of false liens caused Truist to arrest the Vessels in Massachusetts, F/V QUINBY ALLIE on May 25, 2021 and F/V BELLA SKY on June 1, 2021. Since then, the Plaintiffs have lost significant amounts of income from having the Vessels, and the LLCs' sole assets, detained and not fishing, and the LLCs are also now subject to increasing interest, fees, and *custodia legis*.

Further, Amory has not been forthcoming with requests for an accurate accounting of the LLCs. Therefore, the Plaintiffs move to amend their Complaint to include a count for Accounting pursuant to Va. Code §8.01-31

Although the sales of the Vessels in the Massachusetts arrest actions have not yet been confirmed, amendment is appropriate at this stage and before discovery in this matter is commenced. The Plaintiffs' requested amendment will not delay or disrupt any discovery or pretrial proceedings.

The Plaintiffs rely on the factual background and arguments outlined in their Memorandum of Law filed herewith.

**WHEREFORE**, Plaintiffs, Troy D. Dwyer both individually and derivatively on behalf of Quinby Allie, LLC and Bella Sky, LLC, pray that this Honorable Court grant this Motion and permit Plaintiffs leave to Amend their Complaint against all Defendants.

Respectfully submitted,

**TROY D. DWYER**, derivatively on behalf  
of Bella Sky, LLC and Quinby Allie, LLC, and  
Individually,

By: /s/ Julia A. Rust  
Of Counsel

Julia A. Rust, Esq. (VSB No.: 87270)  
PIERCE MCCOY, PLLC  
101 West Main Street, Suite 101  
Norfolk, Virginia 23510  
Telephone: (757) 216-0226  
Facsimile: (757) 257-0387  
julia@piercemccoy.com

and

By: /s/ Kirby L. Aarsheim  
Of Counsel, *Pro Hac Vice*

Kirby L. Aarsheim  
BBO No.: 678774  
FARRELL SMITH O'CONNELL  
AARSHEIM APRANS LLP  
27 Congress Street, Suite 109

Salem, MA 01970  
Telephone: (978) 744-8918  
Facsimile: (978) 666-0383  
e-mail: kaarsheim@fsofirm.com

*Counsel for Troy D. Dwyer, derivatively on behalf  
of Bella Sky, LLC and Quinby Allie, LLC, and  
Individually*

**Certificate of Service**

I hereby certify that on this 26<sup>th</sup> day of August 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Cyrus Wiley Grandy, Esq.  
James L. Chapman, IV, Esq.  
Crenshaw Ware & Martin, PLC  
150 West Main Street, Suite 1500  
Norfolk, VA 23510  
Telephone: (757) 623-3000  
Facsimile: (757) 623-5735  
cwgrandy@cwm-law.com  
jchapman@cwm-law.com  
*Counsel for L.D. Amory and Company, Inc.  
and Quinby J. Amory*

Nicholas R. Hobbs, Esq.  
Michael B. Ware, Esq.  
Schempf & Ware, PLLC  
4000 George Washington Memorial Hwy  
Yorktown, VA 23692  
Telephone: (757) 240-4000  
Facsimile: (757) 240-4001  
nhobbs@4000law.com  
mware@4000law.com  
*Counsel for C. Meade Amory*

/s/ Julia A. Rust  
Julia A. Rust, Esq.